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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,649	02/26/2002	Andrew J. Whitton	091395-9214 (4596-TC-AU)	8642

23585 7590 01/28/2004

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EXAMINER

FLANDRO, RYAN M

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 01/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/085,649

Applicant(s)

WHITTON ET AL.

Examiner

Ryan M Flandro

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 7-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-16 is/are allowed.
- 6) ☒ Claim(s) 1-3, 7 and 8 is/are rejected.
- 7) ☒ Claim(s) 9-11, 17 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 8.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/19/03 has been entered.

Specification

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: paragraph 19 of the specification (discussing figures 8-13) recites that “the shaft 50 includes a bolt receiving recess 54 adjacent the forward end 52 of the shaft 50. The bolt receiving recess 54 *is similar to the bolt receiving recess 24 of the prior art shaft 20...*” (emphasis added). Prior art shaft 20 shows a “notched” recess 24 (figures 1-2). Thus, this recitation is in conflict with the newly submitted drawings showing a circumferential recess 54 around the surface of the shaft 50. Appropriate correction is required.

Drawings

4. As indicated in the advisory action, the corrected drawings submitted 10/19/03 are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Applicant's submission of new figures 8-13 shows only a circumferential recess. Therefore, the bolt receiving recess being a "notch" (see claim 17) must be shown or the feature(s) canceled from the claim(s) (see also section 4 below). No new matter should be entered. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

5. Claim 9 is objected to because of the following informalities: as set forth in the previous Office action, reference to "the coupling element slot" in line 9 of the claim as amended should be changed to "the shaft-receiving slot" for consistency with recitation of such feature in lines 2-4 of the claim. Claims 10, 11, 17 and 18 are objected to on the same grounds due to their dependency therefrom. Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-3, 7 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which

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applicant regards as the invention. Specifically, claim 1 is unclear because use of the term “upper hemisphere” in reference to the position of the at least one projection is inconsistent with the generally accepted definition of a hemisphere and thus renders the claim indefinite. The common definition of hemisphere is “a half of a symmetrical, approximately spherical object as divided by a plane of symmetry.”¹ The shaft of the instant invention is not recited as being of a particular cross-sectional shape but a “shaft” in general cannot be considered to be an approximately spherical object. Claims 2, 3, 7, and 8 are rejected for the same reasons.

Allowable Subject Matter

8. Claims 12-16 are allowed.
9. Claims 9-11, 17 and 18 are objected to for the reasons stated above, but would be allowable if rewritten to correct the above informalities.
10. The following is a statement of reasons for the indication of allowable subject matter:
 - a. Claim 9. The prior art, including Oertle, Pinna, Yuzuriha, Sekine, and Wey, either alone or in combination, fails to show or teach at least one projection extending axially from the shaft forward end, the at least one projection having an upper surface contiguous with the upper shaft surface and being spaced from the shaft lower surface a

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distance greater than the previously recited distance X. Claims 10, 11, 17 and 18 depend from claim 9 and are, therefore, allowable for the same reasons.

b. Claim 12. The prior art, including Oertle, Pinna, Yuzuriha, Sekine, and Wey, either alone or in combination, fails to show or teach the projection being equal to or greater in length than the distance from an opening to the shaft-receiving slot to the bolt receiving through bore.

c. Claims 13-16. The prior art, including Oertle, Pinna, Yuzuriha, Sekine, and Wey, either alone or in combination, fails to show or teach a second projection. Claims 14-16 depend from claim 13 and are, therefore, allowable for the same reason.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan M Flandro whose telephone number is (703) 305-6952.

The examiner can normally be reached on 8:30am - 5:30pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H Browne can be reached on (703) 308-1159. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

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RMF

January 24, 2004



Lynne H. Browne
Supervisory Patent Examiner
Technology Center 3670